

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-2457

United States of America,

Appellee,

v.

Andrew Curtis Smith,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: July 27, 2007

Filed: August 1, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

Andrew Curtis Smith (Smith) appeals the 46-month prison sentence the district court¹ imposed after Smith pled guilty to transporting child pornography, in violation of 18 U.S.C. § 2252A(a)(1). For reversal, he argues his sentence—which was at the bottom of the advisory United States Sentencing Guidelines range—was unreasonable upon due consideration of the 18 U.S.C. § 3553(a) factors.

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

We disagree. See United States v. Booker, 543 U.S. 220, 261-62 (2005) (discussing appellate review for unreasonableness). The record shows the district court properly considered the undisputed advisory Guidelines range, the nature of the offense, sentencing objectives, and Smith's history and circumstances (including Smith's lack of a criminal record, age and several positive letters written on Smith's behalf). We see no basis to conclude the sentence is unreasonable. See Rita v. United States, ___ U.S. ___, ___, 127 S. Ct. 2456, 2462-69 (2007) (discussing the application of the presumption of reasonableness accorded a sentence that reflected the proper application of the advisory Guidelines); United States v. Harris, ___ F.3d ___, ___, No. 06-2892, 2007 WL 1964651, at *3 (8th Cir. July 9, 2007) (concluding sentence within advisory Guidelines range is presumptively reasonable).

Accordingly, the judgment is affirmed.
